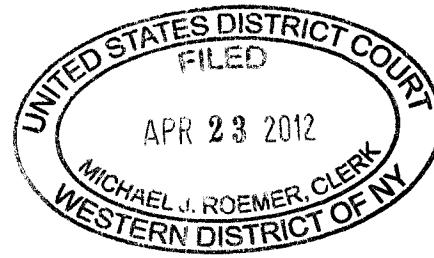


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



D.T., by her Parent and Next Friend,
Tracy Allen,
Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security,

Defendant.

ORDER
10-CV-436A

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On March 30, 2012, Magistrate Judge Scott filed a Report and Recommendation, recommending that the decision of the Commissioner be affirmed , defendant's motion for judgment on the pleadings be affirmed and plaintiff's motion for similar relief in her favor be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott 's Report and Recommendation, the decision of the Commissioner is affirmed, defendant's motion for judgment on the pleadings is affirmed and plaintiff's motion for similar relief in her favor is denied.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.


HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: April 23, 2012